



SOLO SLEUTH:

How to Investigate Without an Investigative Team



CORE PRINCIPLES

- Investigate EVERY CASE as if it is going to TRIAL
- The Discovery We Receive from the Prosecution is Primary for “Lead” Purposes
- Default to Bu%%\$#*t!!!!
- Look for the Details and Background Facts
- Maximize Resources



A TRIAL FOCUSED APPROACH

- The Notoriety of the Defendant or the Facts of the Case are not a Deterrent
- The Outcome of Most Cases is Dependent upon Background, Minute Details and Context
- Investigate Liability Issues Simultaneously with Sentencing Issues

ANALYSIS OF PROSECUTION DISCOVERY

- Identify Each Witness and Role
 - Interest in Outcome
 - Relationships to Defendant and All Other Witnesses and Facts
 - Criminal History
 - Biases
 - Note Witnesses and Roles in Discovery...and All Others Who "MUST BE INVOLVED"
(i.e., others present, participants in transactions)
 - TALK TO THEM!!!!

ANALYSIS OF PROSECUTION DISCOVERY

- Identify Places of Interest
 - Crime Scenes
 - Timeline
 - Other Relevant Scenes
 - VISIT EVERY SCENE and Take Copious Notes and Photographs
 - Match Location with Narratives from Discovery for Corroboration and Negation
 - (i.e., lighting conditions, road hazards/conditons, non-feasibility of witness accounts)

ANALYSIS OF PROSECUTION DISCOVERY

- Identify Items of Interest
 - Note and Request to See Physical Evidence Seized by Law Enforcement
 - Identify Physical Evidence and Records Not Seized But Referenced
 - Identify Physical Evidence Not Seized, Note Referenced, but that Must Exist
 - GO GET ANY SUCH RECORDS and FAVORABLE PHYSICAL EVIDENCE!
 - AVOID USAGE OF SUBPOENAS IF AT ALL POSSIBLE



WITNESS INTERVIEWS

- Speak to Every Witness who is Willing to Talk to You
- Recordings / Attendees to Conversations
- Affidavits
- DO NOT Assume Police Narratives are Witnesses Perceptions or Accurate Recitals of What the Witnesses Might Have Told Police
- Ask Witnesses for Copies of Photos or Corroborating Information

COURT-BASED INVESTIGATIVE TOOLS

- Motions for Discovery (General)
- Motions to Compel / Supplemental Discovery
- Motions to Exclude / for Sanctions
 - (Spoliation; Violation of Discovery Rules)
- Motions for Preliminary Hearing - DO NOT WAIVE / Conduct When RIPE
 - (Investigative Leads; Fodder for Cross-Examination; Setup for Other Discovery Methods)
- Motions to Suppress
 - (Depos in Criminal Cases; Shapes Trials; Creates Brady / Giglio Materials)
- Motions in Limine (Any Time...and Not Just Boilerplate Recitations of Rules)



OTHER INVESTIGATIVE TOOLS

- Google Searches
- Database Searches
- Criminal History Information (With Backup)
- Mississippi Public Records Requests
- Freedom of Information Act Requests
- Social Media Inquiries (Open Pages ONLY!)
- Experts
- Transcripts of Related Proceedings
- Subpoenas (of Witnesses, Records, and Co-Defendants)



OTHER INVESTIGATIVE TOOLS

- Court Documents / Youth Court Records
- Preservation Letters for Records and A/V Evidence
- School Records
- Phone Records, Bank Records
- Prior Clients and People in Community
- Good Conscientious Cops



SENTENCING INVESTIGATIONS

- Request Presentence Investigation Reports
- Draft Sentencing Memoranda